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OFFICE OF PETITIONS

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WASHINGTON DC 20005

In re Application of
Atsushi Tabata et al.
Application No. 10/621,608
Filed: July 18, 2003
Att'y Docket No. 11835/11

DECISION GRANTING PETITION

This is a decision on the petition filed April 1, 2004, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed March 19, 2004, requesting that the above identified application be accorded a filing date of July 18, 2003.

On July 18, 2003, the application was filed.

On March 19, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on April 1, 2004 the present petition, and 21 sheets of drawings were filed. Petitioners argue that 21 sheets of drawings were filed with the other application papers on July 18, 2003. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of July 18, 2003, and the above-identified application number, and acknowledges receipt of, *inter alia*, 21 sheets of drawings, was supplied with the present petition. Petitioner has also supplied a copy of 21 sheets of drawings. Petitioner requests that the application, including 21 sheets of drawings, be accorded a filing date of July 18, 2003.

Upon review of the record, no sheets of drawings deposited on July 18, 2003, have been located among the application papers. However, the evidence is convincing that the application papers deposited on July 18, 2003, included 21 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 21 sheets of drawings, was complete on filing and entitled to a filing date of July 18, 2003.

In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed March 19, 2004, is withdrawn. Therefore, the petition fee in the amount of \$130.00 will be credited to deposit account no. 11-0600.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of July 18, 2003, using the application papers filed on July 18, 2003 and the 21 sheets of drawings supplied on April 1, 2004.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
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